IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1104 OF 2001
WITH
CIVIL APPLICATION NO.1376 OF 2001

The Municipal Corpn. of Gr.Bombay. ..Appellant.

V/s.

Krishanswami Kannu Padiyadi. ..Respondent.

Mrs. Geeta Joglekar for appellant.

Mr.M.L.Palan with R.H.Bhemoleni i/b. J.P.Thakkar for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 23, 2006.

P.C. :

1. Heard counsel for the parties.

2. As this appeal from order takes exception to the interlocutory order passed by the trial Court during pendency of the suit as back as on 22nd June, 2000 and that the appellants have suffered that order so far; coupled with the fact that the suit is now fixed for hearing/recording of evidence on 12th July, 2006, I see no propriety in entertaining this appeal at this distance of time. It is not in dispute that this matter is pending and no steps were taken for early listing of matter or for ad-interim order. This appeal is therefore, disposed of leaving all the

questions open, to be decided by the trial court on its own merits in accordance with the law, uninfluenced by any observation made in the impugned order. The trial Court shall ensure that the suit be disposed of expeditiously, in any case by end of December, 2006.

3. The parties through counsel assure that necessary cooperation will be extended to the trial Court for early disposal of the suit. That assurance is accepted. The trial Court shall not adjourn the matter unnecessarily and ensure that the trial of the suit be concluded within specified time.

4. Civil application disposed of accordingly.